

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**RAUL EDDIE LOPEZ, #1145545**  
**Plaintiff,**

**v.**

**PEREZ, et al.,**  
**Defendants.**

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**3:13-CV-3748-D**

**ORDER**


After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted, and this action is dismissed without prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b).

The court certifies that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this finding, the court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings and recommendation, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). (Fed. R. App. P. 4(a) governs the time to appeal an order. A timely notice of appeal must

be filed even if the district court certifies an appeal as not taken in good faith.)

**SO ORDERED.**

November 27, 2013.

  
SIDNEY A. FITZWATER  
CHIEF JUDGE